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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

P&S Docket No. -12-0017

Robert Smith, d/b/a 4S Cattle Company
and Four S Cattle Company,

Respondent

Complaint

There is reason to believe that the respondent named herein has willfully violated the Packers & Stockyards Act of 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq.*) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §§ 201.1 *et seq.*) and, therefore, this complaint is issued alleging the following:

I.

(a) Robert Smith, d/b/a 4S Cattle Company and as Four S Cattle Company, referred to herein as the respondent, is an individual with a mailing address of 4340 Hwy 173, Bigfoot, Texas 78005.

(b) The respondent is, and at all times material herein was:

(1) Engaged in the business of a market agency buying livestock in commerce on a commission basis; and

(2) Not registered with the Secretary of Agriculture as a market agency to buy livestock in commerce on a commission basis.

II.

On July 29, 2010, the Grain Inspection, Packers & Stockyards Administration sent respondent a Notice of Default notifying him of his obligation to file an application for registration

and secure a bond if he wished to operate as a market agency subject to the Act. The Notice of Default also informed the respondent that operating as a market agency without complying with the registration provisions of the Act and without filing an adequate bond or bond equivalent are violations of the Act and regulations and could subject him to disciplinary action.

Notwithstanding the Notice of Default, the respondent has continued to engage in the business of buying livestock in commerce without registering with the Secretary or maintaining an adequate bond or bond equivalent as required by the Act and regulations.

III.

During the period from August 31, 2010, through September 20, 2010, in five transactions involving his purchase of a total of 176 head at Atascosa Livestock Exchange, Inc., in Pleasanton, Texas, Pearsall Livestock Auction in Pearsall, Texas, and Union Commission Co., Inc., in Hondo, Texas, for a total purchase price of \$98,348.88, the respondent engaged in the business of a market agency purchasing livestock in commerce on a commission basis without being registered with the Secretary and maintaining an adequate bond or bond equivalent.

IV.

By reason of the facts alleged in paragraphs II and III, the respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29 and 201.30).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and regulations issued thereunder, this complaint shall be served upon the respondent. The respondent shall have twenty (20) days following receipt of this complaint to file an Answer with the Hearing Clerk, Room 1031 - South Building, United States Department of Agriculture, 1400 Independence Ave., S.W., Washington, D.C.

20250-9200, in accordance with the Rules of Practice governing the proceedings under the Act (7 C.F.R. §§ 1.130 *et seq.*). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer will constitute an admission of all the material allegations in this complaint and a waiver of hearing.

The Grain Inspection, Packers and Stockyards Administration, Packers and Stockyards Program, requests:

1. That unless the respondent fails to answer within the time allowed, or files an answer admitting all material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice; and
2. That an order be issued requiring the respondent to cease and desist from the violations of the Act and the regulations found to exist, prohibiting the respondent from engaging in business in any capacity for which registration and bonding are required under the Act and regulations without properly registering and providing such bond, and assessing such civil penalties against the respondent as are authorized by the Act and warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 11 day of October, 2011.



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

Thomas N. Bolick

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